

# STATE OF MINNESOTA

## DEPARTMENT OF COMMERCE LICENSING DIVISION

July 2010

### **RE: VIATICAL SETTLEMENT BROKER LICENSE EXEMPTION FORM PROCEDURES**

The Viatical Settlement Broker License Exemption Form is attached. The law governing this activity is Minnesota Statutes, Section 60A.957-9585, which may be viewed at [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us). You are advised to review this statute to become familiar with all its provisions. The data furnished on this form or in supporting documents will be used to assess your eligibility for a license exemption.

- **Viatical Settlement Broker**  
“Viatical settlement broker” means a person, including a life insurance producer as provided in section 60A.9572, who, working exclusively on behalf of a viator and for a fee, commission, or other valuable consideration, offers or attempts to negotiate viatical settlement contracts between a viator and one or more viatical settlement providers or one or more viatical settlement brokers. Exempt from licensure as a viatical settlement broker are attorneys, certified public accountants, and financial planners accredited by a nationally recognized accreditation agency, who are retained to represent the viator and whose compensation is not paid directly or indirectly by the viatical settlement provider or purchaser.
- **Viatical Settlement Provider**  
“Viatical settlement provider” means a person, other than a viator, that enters into or effectuates a viatical settlement contract with a viator resident in Minnesota. There are certain entities that are exempt from licensure, including banks, credit unions, and other licensed lending institutions; a premium finance company making premium finance loans and exempted by the commissioner from the licensing requirement under the premium finance laws that takes an assignment of a life insurance policy solely as collateral for a loan; the issuer of the life insurance policy; and others. A complete list of exemptions is found in Minnesota Statutes, Section 60A.957, subd. 17.
- **Viator**  
“Viator” means the owner of a life insurance policy or a certificate holder under a group policy that resides in Minnesota and enters or seeks to enter into a viatical settlement contract.

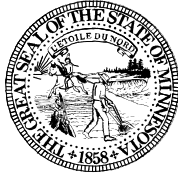
- **Viatical Settlement Contract**

“Viatical settlement contract” means a written agreement between a viator and a viatical settlement provider establishing the terms under which compensation or anything of value is or will be paid, which compensation or value is less than the expected death benefits of the policy, in return for the viator's present or future assignment, transfer, sale, devise, or bequest of the death benefit or ownership of any portion of the insurance policy or certificate of insurance. Viatical settlement contract also includes the transfer for compensation or value of ownership or beneficial interest in a trust or other entity that owns such a policy if the trust or other entity was formed or availed of for the principal purpose of acquiring one or more life insurance contracts, which life insurance contract insures the life of a person residing in this state. In addition, viatical settlement contract includes a premium finance loan made for a life insurance policy by a lender to a viator on, before, or after the date of issuance of the policy where the viator or the insured receives on the date of the premium finance loan a guarantee of a future viatical settlement value of the policy; or the viator or the insured agrees on the date of the premium finance loan to sell the policy or any portion of its death benefit on any date following the issuance of the policy..

The \$110 non-refundable exemption fee, in the form of a check made payable to “**Minnesota Department of Commerce**,” must accompany this form. In accordance with Minn. Stat. §16E.22, this fee includes a 10% OET surcharge, which is being collected on behalf of the Minnesota Office of Enterprise Technology to fund a statewide electronic licensing system.

Mail or deliver the completed, signed form, together with supporting documents and the fee to the Department of Commerce, Licensing Division, 85 – 7th Place East, Suite 500, St. Paul, Minnesota 55101-2198. Should there be any questions, please contact the Licensing Division at (651) 296-6319 or [licensing.commerce@state.mn.us](mailto:licensing.commerce@state.mn.us).

**STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE  
LICENSING DIVISION  
85 – 7th PLACE EAST, SUITE 500  
ST. PAUL, MINNESOTA 55101-2198  
(651) 296-6319**



**VIATICAL SETTLEMENT BROKER  
LICENSE EXEMPTION FORM**

OFFICE USE ONLY

CASHIER USE ONLY

Review \_\_\_\_\_

Data Entry \_\_\_\_\_

NPN/License Number

Processing Date

Please read the form carefully and complete all information requested. The form must be completed and signed by the applicant. **Please return the completed form to the Department of Commerce at the above address.** Keep a copy for your records. For further information, applicants may contact the Division at (651) 296-6319 or via e-mail, [licensing.commerce@state.mn.us](mailto:licensing.commerce@state.mn.us). This form is available on the Department of Commerce insurance website: [www.insurance.state.mn.us](http://www.insurance.state.mn.us).

**To the Commissioner of Commerce:**

**The undersigned hereby makes notification of an exemption from licensure pursuant to the provisions of Minnesota Statutes, Section 60A.9572, subd. 3.**

**APPLICANT INFORMATION**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Principal Street Address and Suite or Room Number (P.O. Boxes are not acceptable)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
County

( )  
Phone Number

( )  
Fax Number

\_\_\_\_\_  
E-mail Address

Minnesota Insurance Producer License Number: \_\_\_\_\_

National Producer Number: \_\_\_\_\_

**FEE**



Attach a check (only) for \$110 made payable to "Minnesota Department of Commerce."

*In accordance with Minn. Stat. §16E.22, this fee includes a 10% OET surcharge, which is being collected on behalf of the Minnesota Office of Enterprise Technology to fund a statewide electronic licensing system.*

I hereby certify that I am an insurance producer who is currently licensed in Minnesota with the life line of authority and that I have been so licensed in Minnesota in good standing for at least one year. I acknowledge and agree that any misrepresentation or omission of a material fact with respect to the foregoing representation shall, unless expressly waived by the Commissioner of Commerce, constitute fraud in the inducement and grounds for denial of approval in this or any other matter and may subject me to other legal sanctions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature

State of \_\_\_\_\_

County of \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**NOTARY SEAL**